

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-417-BO

LYSHONE BYNUM EDGE,)
Plaintiff,)
v.)
NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
Defendant.)

O R D E R

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge James E. Gates. [DE 5]. On October 1, 2018, Judge Gates recommended that plaintiff's motion to proceed *in forma pauperis* be denied. *Id.* No objections to the memorandum and recommendation have been filed, and the matter is ripe for review.

BACKGROUND

In August 2018, plaintiff filed a *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915. [DE 1]. Plaintiff alleges that she has been denied Social Security benefits to which she is entitled. [DE 1-1]. In September 2018, Judge Gates entered a notice of deficiency highlighting an inconsistency in plaintiff's *in forma pauperis* application and permitting plaintiff time to amend her application. [DE 4]. Plaintiff was warned that the failure to do so might result in the denial of her application. *Id.* After plaintiff failed to amend, on October 1, 2018, Judge Gates entered the instant memorandum and recommendation (M&R), recommending that plaintiff's application to proceed *in forma pauperis* be denied based on the inconsistency in plaintiff's application and her failure to timely amend.

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Jones is ADOPTED. Plaintiff's request to proceed *in forma pauperis* is DENIED. Plaintiff is DIRECTED to pay the filing fee not later than November 24, 2018. Failure to do so will result in this case being closed.

SO ORDERED, this 17 day of October, 2018.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE